

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Applicant: James C. Costin

Serial No.: 09/151,885

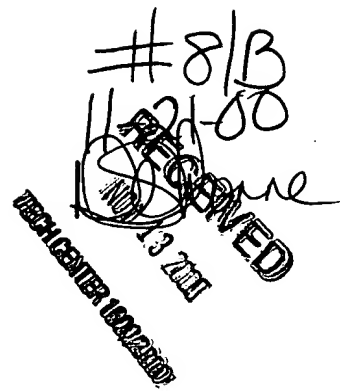
Filed: September 11, 1998

For: Prevention of the Development of Antibiotic Drug Resistance in Bacteria and the Prevention of Bacteria-to-Bacteria Transfer of Antibiotic Drug Resistance

Examiner: Howard C. Lee

Art Unit: 1623

Docket No.: 98-WL-1



November 6, 2000

Honorable Commissioner of Patents & Trademarks  
Washington, DC 20231

Dear Sir:

Please find below a preliminary amendment to the captioned application.

Amendment

In the claims:

✓  
Cancel claim 1-4, inclusive.

✓  
Add new claims 5 and 6

B  
~~5. A method for reducing the ability of microorganisms to adhere to epithelial cells which comprises contacting the epithelial cells with a sterile solution containing from about 0.05% to about 2.0% w/v of 4,4'-methylene bis(tetrahydro-1,2,4 thiadiazine-1,2-dioxide) for a period of time of up to thirty minutes.~~

~~6. A method for reducing the ability of microorganisms to adhere to epithelial cells which comprises contacting the microorganisms with a sterile solution containing from about 0.05% to about 2.0% w/v of 4,4'-methylene bis(tetrahydro-1,2,4 thiadiazine-1,2-dioxide).~~

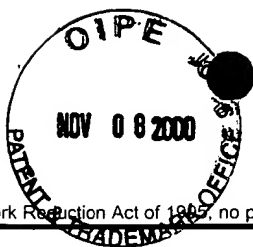
Respectfully submitted,

Kevin B. Clarke, Esq.

(Reg. No.: 22,647)

Attorney for Applicant

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CPA/GP 1623  
# 11/2/00  
PTO/SB/29 (8/98)  
OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 C.F.R. § 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

Address to:

Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231

Attorney Docket No. of Prior Application	98-WL-1
First Named Inventor	James C. Costin
Examiner Name	Howard C. Lee
Group / Art Unit	1623
Express Mail Label No.	

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. § 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09/151,885  
filed on September 11, 1998 entitled See 1 in Addendum

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371.

A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 C.F.R. § 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53 (d)(4).
  - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
  - ☐ PTO-1449
  - ☐ Copies of IDS Citations

11/09/2000 AGOITOM 00000094 030935 09151885  
01 FC:131 710.00 CH

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (j))	2	-20* =	0	x \$18.00 =	\$ 0.00
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b) or (i))	2	-3** =	0	x \$80.00 =	0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))				+ \$ _____ =	
				BASIC FEE (37 C.F.R. § 1.16)	710.00
				Total of above Calculations =	710.00
Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28).					
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.					TOTAL = 710.00

## 6. Small entity status:

- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.  
b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.  
c. ☐ Is no longer claimed.

## 7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 03-0935:

- a. ☒ Fees required under 37 C.F.R. § 1.16.  
b. ☒ Fees required under 37 C.F.R. § 1.17.  
c. ☒ Fees required under 37 C.F.R. § 1.18.

8. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.9. ☐ New Attorney Docket Number, if desired \_\_\_\_\_

[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

10 a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)11. ☐ Other: \_\_\_\_\_**NOTE:**The prior application's correspondence address will carry over to this CPA  
UNLESS a new correspondence address is provided below.**12. NEW CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label

004370

or ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name

Address

City

State

Zip Code

Country

Telephone

Fax

**13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)

Kevin B. Clarke

Signature

Registration No. (Attorney/Agent)

22,647

Date

11/06/00

## Addendum

1. Prevention of the Development of Antibiotic Drug Resistance in Bacteria and the Prevention of Bacteria-to-Bacteria Transfer of Antibiotic Drug Resistance